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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 005131

SIPDIS

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TAGS: [PNAT](#) [PGOV](#) [PTER](#) [KDEM](#) [IZ](#)

SUBJECT: ELECTION UPDATE: OCV DOES NOT CHANGE RESULTS,  
DEBAATH COMMISSION WINS, AND FEMALE REPRESENTATION  
PROJECTED LOWER

REF: A. A. BAGHDAD 05087

[1](#)B. B. BAGHDAD 05052

Classified By: Acting Political Counselor Michael Oreste for  
reasons 1.4 (B) and (D).

[1](#)1. (C) Summary: Preliminary counts from the over 300,000 out-of-country and 200,000 special voting ballots show the largest number of votes going to the Shia Coalition (36.6%) followed by the Kurdish Coalition(30%) and National Iraqi List (11%). When added into the preliminary totals, these votes do not alter the Council of Representative seat distribution projected by Post (ref A). These numbers are still preliminary and subject to change, especially depending on the results of the IECI's complaint investigation (1,600 complaints overall with 35 "red" or serious complaints).

[1](#)2. (C) (Summary cont.) If Post's analysis holds, this CoR may hold a slightly lower number of female parliamentarians than the previous TNA. Candidate lists also will be affected by the Transitional Electoral Panel's (TEP) decision to uphold the DeBa'athification Commission's exclusive authority to decide whether candidates are subject to de-ba'athification and, therefore, should be disqualified. Meanwhile, UNAMI is seeking greater involvement by the International Mission for Iraq Elections (IMIE) in response to demands from various parties for an outside international committee that would be able to verify results and address the allegations of fraud. End Summary.

[1](#)3. (C) The IECI announced in its press conference December 26 that it had counted 90 percent of the OCV and Special Voting votes, which only represents about five percent of the total vote. After incorporating OCV and special voting data provided by the IECI, Post still calculated the same previously calculated Council of Representatives seat distribution ? with the Shia Alliance obtaining 131 seats, the Kurdish Alliance obtaining 53 seats, and Tawaffuq winning 41 seats. This count continues to put the Shia Alliance in a very strong lead; it would need only 53 more votes to reach a two-thirds voting majority necessary to elect the Presidency Council. Results from the Turkey OCV has not yet been included in the final numbers due to concerns about fraud.

[1](#)4. (C) In a surprise decision, the Transitional Electoral Panel (TEP), decided on December 24 to uphold the National Deba'athification Commission's (NDC) appeal of the IECI's initial decision not to disqualify any candidates on de-ba'athification grounds (reftel B). Given this decision, the IECI has decided that it must disqualify all of the now 90 candidates the NDC asserts are covered by the Deba'athification Law. On December 26, International IECI Commissioner Craig Jenness told Poloffs that the IECI would give parties time to propose alternate candidates from its lists, and would wait until December 28 before beginning to disqualify candidates. Post projects that only three candidates would be directly affected by this decision: Adnan Al-Janabi, Rasim Husain A-Awadi, and Abd Al-Lateef Al Badri, all List 731 National Iraqi List members. (Comment: Given the Sunni reaction to the preliminary election results, post is concerned about the additional negative reaction the TEP decision will engender in Sunni groups. Under relevant CPA Memorandum No. 7 and CPA Order No. 100, the Prime Minister maintains the authority to reverse De-ba'athification decisions of the NDC if it is "in the

interests of the Iraqi people" or if the NDC decision would be  
"fundamentally unfair." Both post and the UK intend to engage  
the PM on this option, though he likely will be quite reluctant  
to make such a decision. End comment.)

15. (C) Post estimates that, given the current data, the number  
of women who win seats in parliament would reach 66, slightly  
lower than the 25 percent quota called for by the constitution  
and significantly lower than the 84 female TNA members. On  
December 26, Craig Jenness told Poloff that the UN advisors may  
consider suggesting that compensatory seat candidate lists be  
submitted with a female candidate every 2, 5, 8 and place, to  
ensure a slightly higher representation of female representation  
in the CoR.

16. (C) Complaints now have risen above 1700, with 38  
considered to be the "red" complaints. Of these complaints, the most  
serious one is an allegation that in Baghdad 45 ballot boxes  
were taken and stuffed with fraudulent ballots. If true, this  
allegation may result in over 22,000 false votes, which could  
alter the Baghdad results by one seat.

17. (C) The Allawi's coalition and the Sunni Arabs still  
express deep concerns over the results of the elections and question  
the credibility of the process. IMIE Representative Nora  
Kankashian told PolOff on December 26 that based on an invitation from  
SRSG Qazi, IMIE has drafted a plan to quickly increase their  
presence in Iraq to cover the remainder of the electoral process,  
especially the complaints review. Since the draft plan still  
has not been approved by IMIE headquarters in Canada,  
Kankashian stated she could not provide any details. However, she  
expressed confidence that the plan would be approved and that  
personnel could be dispatched, most likely from Amman.

18. (C) Despite overall positive preliminary reports by IMIE  
as well as the Iraqi Elections Information Network (EIN),  
Kankashian still expressed concerns over how the complaints  
process was being handled, and opined to PolOff that the  
process was going too slowly and yielded few tangible results. She  
was particularly concerned over the recent IECI audit conducted  
on the Baghdad votes, an event that the IECI invited  
international observers and domestic monitors to attend. She described the  
audit as confusing and ineffective, with the IECI staff  
seemingly unable to adequately explain the process or the  
intent. According to Kankashian, several political party  
agents hastily departed the audit, demonstrating their  
dissatisfaction with the conduct of that exercise. In addition to concerns  
over the domestic elections, she stated that IMIE remained  
concerned over the OCV vote in Istanbul, and expects the IECI to  
conduct a prompt and thorough investigation of those problems.

19. (C) Comment: As per the UN's previously stated election  
timeline, the IECI will most likely not finish hammering out  
election certification until early January. While there are  
some "bumps" in the process ? characterized by the backlash  
the announcement of partial results has engendered, it does not  
seem likely that the results will change significantly - even  
after all the complaints are certified. The biggest challenge for  
the IECI continues to be a public image issue, which with the aid  
of IMIE it will hopefully begin to address.  
KHALILZAD